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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,299	02/17/2004	Patrick Calahan	BEAS-01330US1 SRM/DTX	9743
23910	7590	03/17/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			TO, BAOQUOC N	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/780,299	CALAHAN, PATRICK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Baoquoc N. To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/12/2006</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-2, 13, 23 and 33-34 are amended 12/27/2005. Claims 1-34 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "streaming parser capable of" in lines 2, "a matching component capable of" in line 4, "observer capable of" in line 9, "user object capable of" in line 11, claim 4 recites "the stream parser capable of" in line 2, claim 10 recites "can be" in line 2, and claim 24 recites "can be" in line 3 render indefiniteness because it is clearly whether or not these recited elements actually perform. For the purpose of the examination, assuming these modules do perform.

Claims 2-3 and 5-12 are depended on claims 1 and 4 are rejected under the same reason as to claim 1 and 4.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-12 direct to a system to process an XML document; however, the recited claim does not including any physical components to process (e.g. processor and memory). Rather, these are software steps or software prose.

Claim 34 direct to a computer data signal embodied in a transmission medium. A signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter. Therefore, claim 34 is not statutory (As set forth in § 101, a claimed signal is clearly not a process under § 101 because it is not a series of steps. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine. A claimed signal is not matter, but a form or energy, and therefore is not a composition of matter or product).

### ***Response to Arguments***

4. Applicant's arguments filed 12/27/2005 have been fully considered but they are not persuasive.

Applicant argues "the present invention keeps in memory only a subset of the stream of events before performing a matched events after performing a match on the entire stream of events – "All the matched nodes are collected and pushed to the stack..." (paragraph 0043, lines 19-20, fig. 3, 20-24-34-36)."

The examiner respectfully disagrees with the above argument. Wang discloses "inserting at least one XML document from a data source into an XML parser; providing a matcher to receives at least one event from the XML parser; providing a matcher to receive at least one event fro the XML parser and to deliver matched profile lds to the profile and user manager." This indicates only a partial of events are stored and deliver to the matcher which read on to the claimed limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (Pub. No. 2004/0167864) in view of Beauchamp et al. (US. Patent No. 6,621,505 B1).

Regarding on claims 1, 13, 23 and 33-34, Wang teaches a system to process XML document, comprising:

A streaming parser capable of parsing an XML document and generating a stream of events, wherein each event in the stream can represent a portion of the document (paragraph 0043, lines 3-5);

A matching component (paragraph 0043, line 19) capable of:

Accepting the stream of events from the streaming parser (paragraph 0043, lines 7-10);

Keeping in memory only a subset of the stream of events at any time (paragraph 0043, lines 17-20);

performing matching on an event in the stream (paragraph 0043, lines 19-22); and

Wang does not explicitly teaches notifying an observer if the event is a match; said observer capable of listening for a matching event and passing it to a user object; and said user object capable of handling the matching event. However, Beauchamp teaches notifying an observer if the event is a match; said observer capable of listening for a matching event and passing it to a user object; and said user object capable of handling the matching event (col. 21, lines 15-29). This suggests the concept of notifying the system to update the changes by the monitor. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Wang's system to include the use of notifying an observer if an event if matched as taught by Beauchamp in order to allow the user to be aware of the changes that are made.

Regarding on claim 2, Wang teaches the system recited in claim 1, wherein the XML document can be represented in a hierarchical structure (tree node) (paragraph 0043, lines 8-10).

Regarding on claims 3, 13 and 24, Wang teaches the system according to claim 2, wherein the hierarchical structure can be a tree with each node containing a portion of the document (tree node containing a event 27) (paragraph 0043, lines 7-10).

Regarding on claims 4, 15 and 25, Wang teaches the system according to claim 3, wherein the streaming parser is capable of performing a method, comprising:

Traversing the XML tree and adding visited nodes into a data structure (paragraph 0043, lines 39-43);

Processing the nodes in the data structure and generating an event for each node (paragraph 0043, lines 39-43); and

Appending the event to the output stream (paragraph 0043, lines 39-43).

Regarding on claims 5, 16 and 26, Wang teaches the system according to claim 4, wherein the tree can be traversed using a breath-first or depth-first search (paragraph 0044).

Regarding on claim 6, Wang teaches the system according to claim 4, wherein the data structure can be a queue (paragraph 0057).

Regarding on claims 7, 17 and 27, Wang teaches the system according to claim 4, wherein the data structure can be processed using a first-in-first-out approach (paragraph 0044).

Regarding on claims 8, 18 and 29, Wang teaches the system according to claim 1, wherein the matching component is capable of keeping only a portion of the XML document in memory at any given time (paragraph 0043, lines 17-20).

Regarding on claims 9, 19 and 30, Wang teaches the system according to claim 1, wherein the matching component is capable of knowing the schema of the XML document and foreseeing the coming events (page 4, paragraph 0036, lines 8-10).

Regarding on claims 10, 20 and 28, Wang teaches the system according to claim 1, wherein the matching component is capable of performing an expression-based matched, which can be an Xpath query (xpath query) (paragraph 0035, line 14).

Regarding on claims 11, 21 and 31, Wang teaches the system according to claim 3, wherein the matching component is capable of keeping, cloning and destroying the entirely or a portion of the sub-tree descending from a node in the tree (paragraph 0045).

Regarding on claims 12, 22 and 32, Wang teaches the system according to claim 1, wherein the user object is capable of returning the matching event to an XML stream for use by any other component (paragraph 0043).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:



Art Unit: 2162


Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is  
assigned are as follow:

(571) -273-8300 [Official Communication]

BQ To

March 14th, 2006



JEAN MICHEL ELUS  
PRIMAIRE